

STATE CAPITOL  
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## California Legislature

May 29, 2003

Linda Moulton-Patterson, Chair  
Integrated Waste Management Board  
1001 I Street  
Sacramento, CA 95814

**RE: Legislative Intent of AB 2770 (Chapter 740, Statutes of 2002)**

Dear Linda:

We understand from board staff that there have been several inquiries requesting interpretation of AB 2770 (Chapter 740, Statutes of 2002) and its implications for diversion credit for gasification technologies that use solid waste. In addition, we understand that the board is concerned that the March 1, 2003 deadline for the report required pursuant to Public Resources Code Section 40507.1 has passed and that the report will not be completed in compliance with the law.

With respect to the inquiries about diversion credit for gasification, both the legislative history and the statute itself reinforce our intent to define gasification separately from other so-called "transformation" technologies, but to ensure that no diversion credit be granted for its use. Indeed, the review and discussion of the bill which took place in the Senate policy committee, as well as the analyses from that committee, the Senate floor and the Assembly floor on concurrence, confirms the legislative intent as described above.

In addition, Public Resources Code Section 40507.1 expressly requests the board to report on gasification technologies (as well as other conversion technologies) to provide better information on their impacts on recycling and other diversion activities. The Legislature would not have requested this information had it intended to approve the use of those technologies for diversion in the same legislation.

Finally, other provisions of the Integrated Waste Management Act (for example Chapter 6 (commencing with Section 41780)) are explicit and detailed in describing those activities that are subject to diversion credit. Gasification technologies are not referenced in those sections, nor did AB 2770 amend those provisions.

